

App F IX 4

Previous References

ml 10-45 (246 247)

1946 47
(ml)

File No 10 46

Serial Nos 25,98

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Two

ganyan

Part B for

SUBJECT

Proposal to grant an allowance of
Rs 5000 to the octroi superintendent
ent also

K-10422 & 231 W
TD

The ml ~~document~~

Bangalore city

Relates the —

W

1730
R

From the Municipal Board Office
MS-C 344/42 d 27-5-46

States that while recording G.O. No. 2/2765-6
M 10-45-247, dated 16-5-46, sanctioning an allowance
of Rs 75-p.m to Messrs R Chandulal R Thoodappa and
R. Soddalambappa, the Municipal Board has again
resolved that the allowance of Rs 75-p.m be granted to
the Action Superintendent also, and requests orders
thereon

1) see para 2 of G.O. No. 2/2765-6 / M 10-45-
247, dated 16-5-46
2) the Municipal Board was informed that
no case has been made for the grant of
enhanced allowance to the personal Assistant
to the Municipal Board, and the Action Superintendent.
Bangalore City Municipality

G.O. to Hunsalewappa, Action Superintendent
on 10/30 - is drawing a conveyance

allowance of Rs 25 p M

3) The Municipal Council has requested Govt to reconsider the G.O dated 16-5-46, so as to enhance the allowance of Mr Annadunappa from Rs 25 to Rs 75 p M

ru
1469

4) Previous references in the subject are put up.

5) The consolidated allowance of Rs 75 was ordered to be given to the ^{three} Executive Officers of the MLC, who are of the status of Amildars

6) Mr Annadunappa - when appointed in the post of Rs 100 to 150 - $\frac{25}{2}$ ago. He is now getting pay of Rs 130 + $\frac{25}{2}$ (motor cycle) He is not of the ^{status} of an Amildar at present

7) The return of the Municipal MLC recommending a revision of 15 orders according to the payment of the consolidated salary of Rs 25 p M - as was done in the case of the three other officers - is for orders

revised for 16/5/46

8) What exactly are the powers of Govt in this case? Supposing the Municipality insists on having their

Serial
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own way, what next?

Ans
17/9/
[Signature]

Flap W

Flap 'I'

Flap 'X'

9) Under article 27 of the Municipal Accounts Manual, Vol II, Government sanction is necessary in respect of variations in the scale of permanent establishments in case of employees on pay exceeding Rs 50 in City Municipalities.
10) Under Section 248 of the City Municipalities Act, the Municipal Council is empowered to appoint, subject to the rules for the time being in force, a fit person to any post under the Municipal Council, the monthly salary for which does not exceed Rs 60- other than to the post of Health Officer, Engineer, Chief Accountant, Manager or Auditor.

11) Reference is invited to Section 226 (1) of the Act regarding powers of Government to dissolve or supersede municipal Council in case of incompetency, default or abuse of powers.

2/9 12) This is a case of promotion of consolidated allowance to a municipal officer to act as other Superintendent of the above up to 10% - This proposed

Serial
No

That he should be given an allowance of Rs 75/- m

His case is governed by the provisions of the Government of India Act, the M.L. Accounts Manual and the Hygiene Service Regulations reference is made to article 17 of the M.L. Accounts Manual according to which the provisions of M.S.R. are applicable to the case of servants of M.L.s in the matter of their leave allowances. The allowance in question cannot be granted to the officer unless sanction of Govt is obtained therefor. Again under Sec 49 (b) (ii) of the Hygiene Act 1933, the M.L. should frame rules determining the staff of officers & servants to be employed by the M.L. & then specifying designations, duties, salaries, fees and allowances or other allowances of such officers & servants etc. The M.L. have not so far framed any such rules & obtained sanction of Govt therefor. If they had done so they would have been within their rights to have taken action according to rules

Since they have not yet done so
the granting of the allowance ^{is} ~~is~~
subject to the orders of Govt

14) Further, this is a case of receiving
expense for which the provision should
be made. In the city of Budget
without ^{such} a provision
not pass the claim
can be made only with the sanction of
Govt.

Submitting the bill of expense to
obey the orders of Govt & pays the
under the consolidated allowance acc.
to the Govt. What are the rules
of Govt in such a contingency
arising?

Answers as follows
16. As stated above, the Local
Auditor will refuse to pass the
claim & report the matter to the

Comptroller
17) In the absence of a Govt order
such a payment would be

truncated as an illegal payment
and a discharge order obtained
the person making ^{the payment} or authorizing its being
made - vide sections 210 to 212 of
the Income-tax Act

Under sec 223 (1) of the Act govt.
have power to prevent extravagance
in the employment of establishments which
the MLC proposes to employ ^{if} the remuneration
assigned by the MLC to those persons or
any particular person is excessive, the
MLC may be required by the MLC to
reduce the remuneration of the said person
or persons Under sec 226 (1),

govt have power, in the long run, to
supersede the MLC if the latter
act in excess of their powers or
^{abuse} ~~abuse~~ their powers

1 c) More than all the above, the MLC
is only a trustee of the public
funds placed at ~~their~~ its disposal
Under secs 53(2) 54 155 of
the Act, the MLC fund shall be

administered, subject to the
provisions of the Trust (M Act) and
in accordance with the powers
conferred on it by the
M Act. Having regard to the
above provisions I have the M Act
may be called upon to obey the
orders of the Trust in this respect and
they cannot have their way
in the matter. - 1/10/1916

1) The Municipal Council
is going head long in many of
these matters & wishes to
assert its rights which do
not exist.

2) It is such a pity that
the Municipal Commⁿ who
is a responsible officer, has
not advised them of the
implications of the steps proposed
to be taken by them.

3) A polite letter with a
warning pointing out the
provisions of law & regretting

1730' C 138 & 1100-
that the proposal cannot
be affd

Minister for Edⁿ
(1772)

Don
1/11/46
for

OFFICE OF THE WIP ST ⁿ	
FOR EDUCATION & P. F.	
Date	1-10-46
No	22667

AD

Dewan

21/10/46
Don
22/11/46

ARM

28/10

Don
24/11/46

for 201 + me

Dft reply please

for 24 x 46

A draft reply is put up

for
31/10

Issue

1/11/46
15147

To The M. L. Govt

10/11/22 & 23-1-47

where the proposal

B
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10-46-25

Bangalore City Municipality

SECRET
1730
31 AUG 1946
MUNICIPAL OFFICE

No A5 C 349/42

Encl one

FROM

MUNICIPAL OFFICE
Bangalore 27th Aug 1946

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J B Mallaradhya, Esq, M A.,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

SIR,

Adverting to Government Order No L 12765-6/ML 10-45-247
dated 16-5-1946 sanctioning a consolidated allowance of
Rs 75/- per month to Messrs R Chandoo Lal, N Choodappa and
N Siddalingappa, I have the honour to state that the above
Government order came up before the Municipal Council
for consideration on 14-8-1946 when it was resolved by them
that this allowance of Rs 75/- per month be paid to the
Octroi Superintendent also from the date of payment to the
three officers mentioned in the Government Order

2 A copy of the said Council proceedings is enclosed
herewith for favour of obtaining sanction of Government
thereto

I have the honour to be,
Sir,
Your most obedient servant,

Safi Darashah

Municipal Commissioner

Forwarded with compliments

P. S. Shankar

Honorary President

hsr/

Proceedings of the meeting of the Council dated 14-8-1946

Sub 11 G O No L 12765-6/ML 10-45-247 dated 16-5-1946 sanctioning an allowance of Rs 75/- per month to Messrs R Chandoolal, N Choodappa and N. Siddalingappa also representation from Mr C Annadana-pa, Octroi Superintendent, that he may also be given the same rate of allowance

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Mr M K Narayana Iyengar observed that while recording the G O they might request the Government to grant the same allowance to the Octroi Superintendent also since the nature and volume of work done by the Octroi Superintendent was in no way less than the work done by the other three officers to whom the allowance had been sanctioned

Mr H C Suryanarayana Rao observed that all these officers were of the same grade and were more or less discharging the same type of work. The Council had sanctioned this to the Octroi Superintendent also and there was no reason in Government refusing to sanction the allowance to the Octroi Superintendent. While the Octroi Superintendent was a servant of the Municipality the others were new comers whose stay in the Municipality was limited to a couple of years. Hence it was but right that the same consideration should be shown to their permanent employee also

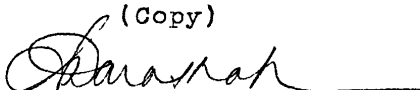
Mr G Nanjappa supporting the above said that while the other officers had specific time for the discharge of their duties the Octroi Superintendent was expected to go on his work even during nights. So he deserved this consideration more than the others and he might be given the allowance from the date from which the others had been given

Mr D Venkataramanappa also further supported the above and said that it was but right that the Octroi Superintendent who was also doing the same type of work as the other three officers should be given the enhanced allowance

Resolution - Recorded with the observation that this allowance of Rs 75/- be paid to the Octroi Superintendent also from the date of grant to the three officers mentioned in the Government Order

Sd/- P Sivasharkar,
Honorary President

(Copy)


Municipal Commissioner

hsr/-
ud

L 10422 / ml 10-46 98
To D 23/1/47

The Municipal Commr, Bangalore
(Through the president)

Sir,

With reference to your letter no A 5-
C 344/42, dated 27-8-46, forwarding for
orders of Govt, a copy of the Resolution
dated 14-8-46 of the City Municipal Council
requesting the Government to reconsider their
orders conveyed in G.O. no L 12767-6 / ML
10-45-247, dated 16-5-46, vetoing the
proposal to grant an allowance of Rs 75/- per m
to Mr B Annadanaiah, Chief Superintendent
I am directed to state observe that the
question has been examined further with
reference to the provisions of the City
Municipalities Act, 1933 2) the Mysore Service
Regulations and 3) the Municipal Accounts
Manual relating to the expenditure from
out of Municipal funds and to state that

The grant of such allowances to Municipal employees, which is of a recurring nature, is governed by the orders of Govt issued in each case, consistent with the availability of funds, and other conditions attached to any particular appointment.

I am to add that ^{the} Government regret that there are no grounds to reconsider the orders already communicated in this case.

I have in
for
15/1/10
Law Secretary

